

From: Dr. Andrew E. Mossberg
To: Microsoft ATR
Date: 1/28/02 9:36pm
Subject: Microsoft Settlement

Reply requested by 9/24/01

To: Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Ms. Hesse,

Under the Tunney Act, I wish to comment on the proposed Microsoft settlement. I agree with the problems identified in Dan Kegel's analysis (on the Web at <http://www.kegel.com/remedy/remedy2.html>), namely:

1. The PFJ doesn't take into account Windows-compatible competing operating systems
2. The PFJ Contains Misleading and Overly Narrow Definitions and Provisions
3. The PFJ Fails to Prohibit Anticompetitive License Terms currently used by Microsoft
4. The PFJ Fails to Prohibit Intentional Incompatibilities Historically Used by Microsoft
5. The PFJ Fails to Prohibit Anticompetitive Practices Towards OEMs system.
6. The PFJ as currently written appears to lack an effective enforcement mechanism.

I also agree with the conclusion reached by that document, namely that the Proposed Final Judgment, as written, allows and encourages significant anticompetitive practices to continue, would delay the emergence of competing Windows-compatible operating systems, and is therefore not in the public interest. It should not be adopted without substantial revision to address these problems.

Sincerely,

Dr. Andrew E. Mossberg,

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